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 THE LARYNGEAL MASK COMPANY LTD.
 and LMA NORTH AMERICA, INC.

**IN THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

THE LARYNGEAL MASK COMPANY
 LTD. and LMA NORTH AMERICA, INC.,

Plaintiffs,

v.

AMBU A/S, AMBU INC., AMBU LTD.,
 and AMBU SDN. BHD.,

Defendants.

AMBU A/S, AMBU INC., AMBU LTD., and
 AMBU SDN.BHD.

Counterclaimants,

v.

THE LARYNGEAL MASK COMPANY
 LTD. and LMA NORTH AMERICA, INC.,

Counter-Defendants.

Civil Action No. 07-cv-1988-DMS (NLS)

**PLAINTIFFS' REPLY TO
 COUNTERCLAIMS OF DEFENDANTS
 AMBU A/S, AMBU LTD., AND AMBU
 SDN. BHD.**

Honorable Dana M. Sabraw

1 Plaintiffs and Counter-Defendants The Laryngeal Mask Company Ltd. and LMA North
 2 America, Inc. (hereinafter, "Plaintiffs") hereby Reply to the Counterclaims asserted by
 3 Defendants and Counterclaimants Ambu A/S, Ambu Ltd., and Ambu Sdn. Bhd., (hereinafter,
 4 "Defendants") in the above-captioned action. This Reply is made by Plaintiffs without prejudice
 5 to their pending motion to disqualify the law firm of Finnegan, Henderson, Farabow, Garrett &
 6 Dunner, LLP ("Finnegan"), and without prejudice to Plaintiffs filing a motion to strike or
 7 expunge the Answer and Counterclaims and any other pleadings or papers filed in whole or in
 8 part by Finnegan in this action should the Court grant Plaintiffs' pending motion.

9 **REPLY TO COUNTERCLAIMS**

10 1. In response to Paragraph 1 of Defendants' Counterclaims, this paragraph needs
 11 no reply from Plaintiffs because it merely incorporates Defendants' responses and affirmative
 12 defenses to the allegations of Plaintiffs' First Amended Complaint. To the extent it purports to
 13 incorporate any other allegations or averments by Defendants, they are denied by Plaintiffs.

14 **The Parties**

- 15 2. Plaintiffs admit the allegations of Paragraph 2 of Defendants' Counterclaims.
- 16 3. Plaintiffs admit the allegations of Paragraph 3 of Defendants' Counterclaims.
- 17 4. Plaintiffs admit the allegations of Paragraph 4 of Defendants' Counterclaims.
- 18 5. Plaintiffs admit the allegations of Paragraph 5 of Defendants' Counterclaims.
- 19 6. Plaintiffs admit the allegations of Paragraph 6 of Defendants' Counterclaims.
- 20 7. Plaintiffs admit the allegations of Paragraph 7 of Defendants' Counterclaims.
- 21 8. Plaintiffs admit the allegations of Paragraph 8 of Defendants' Counterclaims.

22 **Jurisdiction and Venue**

23 9. In response to Paragraph 9 of Defendants' Counterclaims, Plaintiffs admit that
 24 the Counterclaims purport to allege claims arising under the Declaratory Judgment Act, 28
 25 U.S.C. §§ 2201 and 2202, based upon a controversy between the parties arising under the patent
 26 laws of the United States, 35 U.S.C. § 100 *et seq.* Plaintiffs deny that Defendants are entitled to
 27 any relief under their Counterclaims. Plaintiffs admit that this Court possesses subject matter
 28 jurisdiction over Defendants' Counterclaims.

10. Plaintiffs admit the allegations of Paragraph 10 of Defendants' Counterclaims.

11. In response to Paragraph 11 of Defendants' Counterclaims, Plaintiffs admit that venue is proper in this Court.

Counterclaim for Declaratory Judgment

First Counterclaim

12. Plaintiffs deny the allegations of Paragraph 12 of Defendants' Counterclaims.

Second Counterclaim

13. Plaintiffs deny the allegations of Paragraph 13 of Defendants' Counterclaims.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs and Counter-Defendants The Laryngeal Mask Company Ltd. and LMA North America, Inc. pray for judgment on Defendants' Counterclaims as follows:

A. That the Court enter judgment against Defendants on their Counterclaims; that Defendants take nothing by reason of their Counterclaims; and that the Counterclaims be dismissed with prejudice;

B. That Plaintiffs and Counter-Defendants be awarded their costs and fees incurred in defending Defendants' Counterclaims, including reasonable attorneys' fees, pursuant to 35 U.S.C. § 285; and

C. That Plaintiffs and Counter-Defendants have such other and further relief as this Court may deem just and proper.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: February 20, 2008

By: /s/ Frederick S. Berretta

John B. Sganga
Frederick S. Berretta
Joshua J. Stowell

Attorneys for Plaintiffs and Counter-Defendants,
THE LARYNGEAL MASK COMPANY LTD.
and LMA NORTH AMERICA, INC.

CERTIFICATE OF SERVICE

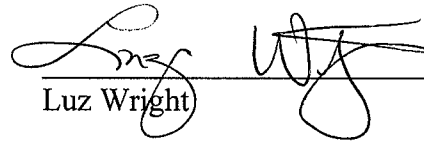
I hereby certify that on February 20, 2008, I caused the foregoing **PLAINTIFFS' REPLY TO COUNTERCLAIMS OF DEFENDANTS AMBU A/S, AMBU LTD., AND AMBU SDN.BHD.**, to be electronically filed with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to the applicable registered filing users.

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WRIGHT & L'ESTRANGE

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I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Dated: February 20, 2008


Luz Wright

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